

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ANDRED CLINTON DAVIS, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:21-cv-00106

DONALD AMES, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 18 U.S.C. § 636. On May 15, 2023, Magistrate Judge Tinsley submitted his Proposed Findings & Recommendation [ECF No. 56] (“PF&R”) and recommended that the court grant the defendants’ Partial Motion to Dismiss [ECF No. 53] and dismiss as moot the plaintiff’s claims for declaratory and injunctive relief. Neither party timely filed objections to the PF&R, nor sought an extension of time to do so.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge

as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The defendants' motion [ECF No. 53] is **GRANTED**, and the plaintiff's claims for declaratory and injunctive relief are **DISMISSED as moot**. This matter remains referred to Magistrate Judge Tinsley for additional proceedings concerning the plaintiff's claims for monetary damages.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 9, 2023



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE